

# FINAL BILL REPORT

## SHB 1221

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**C 38 L 09**  
Synopsis as Enacted

**Brief Description:** Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW.

**Sponsors:** House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Maxwell, Hurst, O'Brien, Rodne, Hope, Pedersen, Smith, McCoy, Bailey, Williams, Kirby and Dickerson; by request of Attorney General).

**House Committee on Public Safety & Emergency Preparedness**  
**Senate Committee on Human Services & Corrections**

### **Background:**

The Washington Crime Victims' Compensation Program (Program) administered by the Department of Labor and Industries (L&I) provides benefits to innocent victims of criminal acts. A person is generally eligible to receive benefits in the form of medical treatment or lost wages if he or she was injured by a criminal act that occurred in Washington, provided that:

- the crime was reported to law enforcement within one year of its occurrence or within one year from the time a report could reasonably have been made; and
- the application for benefits is made within two years after the crime was reported to law enforcement or the rights of the beneficiaries or dependents accrued.

"Criminal act" is defined as: (1) an act committed or attempted in Washington, which is punishable as a felony or gross misdemeanor under the laws of Washington; (2) an act committed outside Washington against a resident of Washington which would be compensable had it occurred inside the state, and the crime occurred in a state which does not have a Program; or (3) an act of terrorism.

Victims of sexual assault are entitled under the Program to receive benefits in the form of appropriate counseling services. Under certain circumstances, counseling services may also be provided for members of the victim's immediate family other than the perpetrator of the assault.

A right to benefits is available to the victim of a person against whom the state initiates civil commitment proceedings. The right to benefits accrues when the victim is notified of the

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civil commitment proceedings, or the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings. Benefits are limited to compensation for costs or losses incurred on or after the date the right to benefits accrues. The victim must file an application for benefits within two years of the accrual, unless the Director of L&I determines that good cause exists to expand the time to receive the application.

**Summary:**

The victim of a sex offense that occurred outside Washington who has been notified, interviewed, deposed, or has testified in civil commitment proceeding of the perpetrator may receive benefits for appropriate mental health counseling to address distress arising from participation in the proceedings. Fees for mental health counseling are to be determined according to the fee schedule in the Industrial Insurance statute.

**Votes on Final Passage:**

House	96	0
Senate	46	0

**Effective:** July 26, 2009